

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Mar 10, 2016

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with Land Design Solutions, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and Land Design Solutions, Inc. for Jefferson Street Streetscape Improvements, Project No. 65-15-SP04.

14-841

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This modification will facilitate a change to modify the design scope that will add multiple phases of construction to coordinate with adjacent developments schedule for a total modification amount of \$19,736.00. New end date: August 31, 2016. Account No. 3080-71-00000-521000-PR7507XX

Associated Cost: \$19,736.00

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: \_\_\_\_\_

Department Head: \_\_\_\_\_

Date: 3/3/16

*per TNL*  
\_\_\_\_\_

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **3/10/2016**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 1**

Document Name: **Land Design - Jefferson Street Streetscape Mod 1 Project No. 65-15-SP04**

City Obligation Amount: **\$19,736.00**

Total Project Budget: **\$317,295.00**

Uncommitted Account Balance: **0**

Account Number: **3080-71-00000-521000-PR7507XX**

## Procurement Agreements

<b><u>Not Applicable</u></b>	<b><u>Not Applicable</u></b>
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## Grant-Funded Agreements

<b><u>Not Applicable</u></b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating	<i>Kathy Mc</i>	<i>3/3/16</i>
2) Legal	<i>Mary Cates</i>	<i>3/3/16</i>
3) Finance	<i>M. Bargo</i>	<i>3-4-16</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

**RESOLUTION NO. 16-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to execute Modification No. 1 to the Agreement between the City of Huntsville and Land Design Solutions, Inc., adopted and approved on the 23rd day of October, 2016, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-841, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from TWO HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED SIXTY AND NO/100 DOLLARS (\$297,560.00) to THREE HUNDRED SEVENTEEN THOUSAND TWO HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$317,295.00), including this Modification No. 1, an increase of NINETEEN THOUSAND SEVEN HUNDRED THIRTY-SIX AND NO/100 DOLLARS (\$19,736.00. New end date: August 31, 2016. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and Land Design Solutions, Inc., for Jefferson Street Streetscape Improvements, Project No.65-15-SP04, as adopted by Resolution No.14-841 of October 23,2014,consisting of a total of three pages plus three (3)additional pages consisting of Attachment "A", and the date of March 10, 2016 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

**ADOPTED** this the 10th day of March, 2016.

\_\_\_\_\_  
President or President Pro Tem  
of the City Council of the  
City of Huntsville, Alabama

**APPROVED** this the 10th day of March, 2016.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA        )

COUNTY OF MADISON        )

Modification No. 1 to Agreement between  
the City of Huntsville and Land Design  
Solutions, Inc. for Jefferson Street Streetscape  
Improvements, Project No. 65-15-SP04, as  
adopted by Resolution No. 14-841 of  
October 23, 2014.

**THIS IS MODIFICATION NO. 1 TO AN AGREEMENT** entered in on the 23rd day of October, 2014, in the amount of TWO HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED SIXTY AND NO/100 DOLLARS (297,560.00). The original Agreement is hereby amended by Modification No. 1 dated March 10, 2016, in the amount of NINETEEN THOUSAND SEVEN HUNDRED THIRTY-SIX AND NO/100 DOLLARS (\$19,736.00) for a revised contract amount of THREE HUNDRED SEVENTEEN THOUSAND TWO HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$317,295.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and LAND DESIGN SOLUTIONS, INC., (CONSULTANT).

**WITNESSETH**

**WHEREAS**, the firm identified as the CONSULTANT to the Agreement dated October 23, 2014, has proposed a Change to the Original Agreement identified as Attachment "A" to this modification to modify the scope and to add multiple phases of construction for Jefferson Street Streetscape project.

**WHEREAS**, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Land Design Solutions, Inc. will provide for landscape architectural services at a lump sum total contract amount of NINETEEN THOUSAND SEVEN HUNDRED THIRTY-SIX AND NO/100 DOLLARS (\$19,736.00). There are an additional 300 calendar days added to contract completion. New end date: August 31, 2016.

**\_\_\_\_\_  
President or President Pro Tem of the City  
Council of the City of Huntsville, Alabama  
Date:                   March 10, 2016**

1. Item #1 shall be performed in accordance with the original agreement dated October 23, 2014 and approved by the City Council by Resolution No. 14-841, and as described in the letter from Mike Donnelly to Kathy Martin, dated February 24, 2016 shown as Attachment "A".
2. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
3. All other terms and conditions remain unchanged.

**IN WITNESS WHEREOF**, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle  
Its Mayor

ATTEST:

\_\_\_\_\_  
Kenneth Benion  
City Clerk-Treasurer

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

CONSULTANT: LAND DESIGN  
SOLUTIONS, INC.

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

STATE OF ALABAMA    )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Mike Donnelly, as President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Land Design Solutions, Inc.  
6996 LINDA STREET  
HUNTSVILLE, AL 35811

Email: mike.donnelly@mchsi.com  
Voice: 256.714.1470

February 24, 2016  
Ms. Kathy Martin, P.E.  
City Engineer  
Engineering Department  
City of Huntsville  
308 Fountain Circle  
Huntsville, AL 35801

RE: Revision #2 of Proposal – Modification #1,  
Jefferson Street Streetscape Improvements.  
Project No: 65-15-SP04

Dear Kathy,

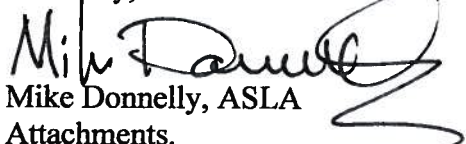
The City of Huntsville has decided to divide the Jefferson Streetscape Project into three bid packages. We understand this is for budget limitations and to promote streetscape projects of a kind and character that might have broader bidder participation. Land Design Solutions (LDS) has been requested to provide the additional services to create these separate bid packages to our scope of work. Also, additional work has been encountered in meetings, coordinating and providing special drawings for the construction / placement / lighting of Art Pieces in the Phase two plans. Geo Solutions has performed additional work (invoices attached) during Phase I of project, related to the parking lot and reimbursement for their services is requested. Furthermore, a time modification is also required with the above services for a projected finish date of Phase III Plans for August 31, 2016.

Land Design Solutions and sub-consultants shall perform the above work for:

LDS fee.....	\$18,980.00
Sub-consultants fees (Geo) .....	\$720.00
5% Administration fee.....	\$36.00
Plan Reproduction.....	<u>\$2,618.00</u>
Total lump sum fee.....	\$19,736.00

Please note, Skipper Consulting requires a modification to their sub-contract (attached), no change in fee. Smith Engineering has done a thorough analysis of charges to date, and anticipated additional work through Phase III, and is ok with current contract fee.

Cordially,

  
Mike Donnelly, ASLA  
Attachments.

1 | Jefferson Street Streetscape proposal- Modification #1

Land Design Solutions, Inc.  
6996 LINDA STREET  
HUNTSVILLE, AL 35811

Email: mike.donnelly@mchsi.com  
Voice: 256.714.1470

February 24, 2016  
Ms. Kathy Martin, P.E.  
City Engineer  
Engineering Department  
City of Huntsville  
308 Fountain Circle  
Huntsville, AL 35801

RE: Revised Supporting Documentation  
For Proposal – Modification #1,  
Jefferson Street Streetscape Improvements.  
Project No: 65-15-SP04

Dear Kathy,

As requested, following is a detailed breakdown for the above referenced additional work. Please note, reimbursement for Geo Solutions additional services invoices from Phase I are included in this breakdown. Geo's invoices were excluded from January 22, 2016 proposal letter.

## **PHASE I**

### **Geo Solutions additional services in Phase I:**

Invoice # 19986 attached \$250.00.

Invoice #20597 attached \$470.00.

Subtotal Geo Solutions additional services: \$720.00.

5% Administration fee: \$36.00.

## **PHASE II**

### **Art related additional services in Phase II:**

Time through 1-21-16

Landscape Architect 16 hours @ \$110.00 / hr. = \$1,760.00.

Cad Draftsman 35 hours @ \$60.00 / hr. = \$2,100.00.

Projected time 1-22-16 through 4-1-16

Landscape Architect 8 hours @ \$110.00 / hr. = \$880.00.

Cad Draftsman 16 hours @ \$60.00 / hr. = \$960.00.

Subtotal Art related additional services: \$5,700.00.



### **PHASE III**

#### **Plan Changes & Modifications additional services for additional Phase III Bid Package:**

Cover Sheet & Misc. sheet changes

Landscape Architect 24 hours @ \$110.00 / hr. = \$2,640.00.

Cad Draftsman 48 hours @ \$60.00 / hr. = \$2,880.00.

30%, 60% & 90% plan set changes per comments

Landscape Architect 12 hours @ \$110.00 / hr. = \$1,320.00.

Cad Draftsman 24 hours @ \$60.00 / hr. = \$1,440.00.

Cost Estimate

Landscape Architect 4 hours @ \$110.00 / hr. = \$440.00.

Cad Draftsman 32 hours @ \$60.00 / hr. = \$1,920.00.

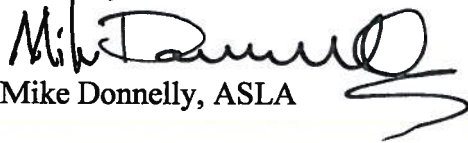
Meetings

Landscape Architect 24 hours @ \$110.00 / hr. = \$2,640.00.

Subtotal plan changes & modifications for Phase III additional services: \$13,280.00

Total Modification #1 fee.....\$19,736.00.

Cordially,



Mike Donnelly, ASLA